

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CHRISTINE CHANG, *et al.*,

No. C-07-4005 EMC

Plaintiffs,

v.

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,

**ORDER DENYING PLAINTIFFS'
APPLICATION FOR
RECONSIDERATION TO APPOINT
COUNSEL FOR GUARDIAN AD LITEM**

Defendants.

(Docket No. 95)

Previously, the Court issued an order denying Plaintiffs' application to appoint counsel for guardian ad litem. *See* Docket No. 86. Plaintiffs have now moved the Court to reconsider its denial. Plaintiffs also ask "for the reason of denial to correct the deficiency in [their prior] application." Mot. at 2. Having reviewed Plaintiffs' papers and the accompanying submissions, the Court hereby **DENIES** the motion to reconsider.

As a preliminary matter, the Court notes that, under Civil Local Rule 7-9, "[n]o party may notice a motion for reconsideration without first obtaining leave of Court to file the motion." Civ. L.R. 7-9(a). Moreover, the party moving for leave to file a motion for reconsideration must specifically show:

- (1) That at the time of the motion for leave, a material difference in fact or law exists from that which was presented to the Court before entry of the interlocutory order for which reconsideration is sought. The party also must show that in the exercise of reasonable diligence the party applying for reconsideration did not know such fact or law at the time of the interlocutory order; or
- (2) The emergence of new material facts or a change of law occurring after the time of such order; or

(3) A manifest failure by the Court to consider material facts or dispositive legal arguments which were presented to the Court before such interlocutory order.

Civ. L.R. 7-9(b). Plaintiffs have failed to meet this standard. Plaintiffs simply restate arguments previously made or offer evidence which they could have submitted previously but failed to do so.

As to Plaintiffs' request for the reason for the Court's denial of their initial application for appointment of counsel for guardian ad litem, the Court notes that, *inter alia*, Plaintiffs failed to provide evidence regarding efforts made to obtain counsel (as required by the Court's CMC order) and failed to demonstrate that the merits of their case are strong so as to warrant appointment of counsel.

Even if the Court were to reconsider and now find that plaintiffs have demonstrated efforts to obtain counsel, plaintiffs shall have not demonstrated that the merits of the case are sufficiently strong to warrant appointment of counsel.

This order disposes of Docket No. 95.

IT IS SO ORDERED.

Dated: January 3, 2008


EDWARD M. CHEN
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Plaintiffs,

v.

CERTIFICATE OF SERVICE

ROCKRIDGE MANOR CONDOMINIUM, *et al.*,

Defendants.

I, the undersigned, hereby certify that I am an employee in the U.S. District Court, Northern District of California. On the below date, I served a true and correct copy of the attached, by placing said copy/copies in a postage-paid envelope addressed to the person(s) listed below, by depositing said envelope in the U.S. Mail; or by placing said copy/copies into an inter-office delivery receptacle located in the Office of the Clerk.

Christine Chang
341 Tideway Drive #214
Alameda, CA 94501

*ALL OTHER COUNSEL SERVED VIA
ELECTRONIC FILING*

Dated: January 3, 2008

RICHARD W. WIEKING, CLERK

By: /s/
Leni Doyle
Deputy Clerk